

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Brian SMITH et al.)	Group Art Unit: 1624
Application No.: 10/561,071)	Examiner: Brenda Libby COLEMAN
Filed: May 26, 2006)	Confirmation No.: 1893
For: BENZAZEPINE DERIVATIVES)	
USEFUL FOR THE TREATMENT)	
OF 5HT2C RECEPTOR)	
ASSOCIATED DISEASES)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA EFS-WEB

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the enclosed IDS Form PTO/SB/08. This Information Disclosure Statement is being filed, to the undersigned's knowledge, before the mailing date of a first Office Action after the filing of a Request for Continued Examination under §1.114 for the above-referenced application.

Copies of the listed non-patent literature documents are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any additional fees due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 19, 2009

By: 

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